
**GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING**

**SOUTH AFRICAN REVENUE SERVICE
SUID-AFRIKAANSE INKOMSTEDIENS**

No. 597

10 July 2015

**INCIDENCES OF NON-COMPLIANCE BY A PERSON IN TERMS OF
SECTION 210(2) OF THE TAX ADMINISTRATION ACT, 2011 (ACT NO. 28 OF
2011) THAT ARE SUBJECT TO A FIXED AMOUNT PENALTY IN ACCORDANCE
WITH SECTION 210(1) AND 211 OF THAT ACT**

In terms of section 210(2) of the Tax Administration Act, 2011, I, Thomas Swabihi Moyane, Commissioner for the South African Revenue Service, hereby list, in the Schedule hereto, the incidences of non-compliance that are subject to a fixed amount penalty in accordance with section 210(1) and 211 of that Act.



TS MOYANE

COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE

SCHEDULE

1. General

Any word or expression contained in this notice to which a meaning has been assigned in a "tax Act" as defined in section 1 of the Tax Administration Act, 2011, or the intergovernmental agreement between the Republic of South Africa and the United States of America to improve international tax compliance and implement the FATCA, has the meaning so assigned, unless the context indicates otherwise, and the following terms have the following meaning:

"**AEOI**" means automatic exchange of information;

"**BRS**" means business requirement specification;

"**Public Notice 509**" means Public Notice 509, published in *Government Gazette* No. 37778 of 27 June 2014;

"**return**" means a **BRS: FATCA AEOI** return required under Public Notice 509;

"**FATCA**" means the United States of America's Foreign Account Tax Compliance Act;

"**FATCA international tax agreement**" means the intergovernmental agreement between the Republic of South Africa and the United States of America to improve international tax compliance and to implement the FATCA and

"**reporting financial institution**" means a reporting financial institution as defined in the FATCA international tax agreement.

2. Incidences subject to fixed amount penalty

2.1 Failure by a reporting financial institution to submit a return by the date of this notice or the date for submitting the return under Public Notice 509, whichever is the later;

2.2 Failure to remedy the partial or non-implementation of a due diligence requirement under the FATCA international tax agreement within 60 days of the notification by SARS of the partial or non-implementation of the requirement; or

- 2.3 Failure to remedy a minor error or an incidence of significant non-compliance referred to in Article 5 of the FATCA international tax agreement within 60 days of the notification by SARS of the minor error or non-compliance.

**VOORVALLE VAN NIENAKOMING DEUR 'N PERSOON INGEVOLGE
ARTIKEL 210(2) VAN DIE WET OP BELASTINGADMINISTRASIE, 2011 (WET
NO. 28 VAN 2011) WAT OOREENKOMSTIG ARTIKELS 210(1) EN 211 VAN
DAARDIE WET AAN 'N VASTEBEDRAGBOETE ONDERHEWIG IS**

Ingevolge artikel 210(2) van die Wet op Belastingadministrasie, 2011, lys ek, Thomas Swabihi Moyane, Kommissaris vir die Suid-Afrikaanse Inkomstediens, hierby, in die Bylae hierby, die gevalle van nienakoming wat ooreenkomstig artikels 210(1) en 211 van daardie Wet aan 'n vastebedragboete onderhewig is.



TS MOYANE

KOMMISSARIS VIR DIE SUID-AFRIKAANSE INKOMSTEDIENS

BYLAE

1. Algemeen

Enige woord of uitdrukking in hierdie kennisgewing vervat waaraan 'n betekenis ingevolge 'n "Belastingwet" soos omskryf in artikel 1 van die Wet op Belastingadministrasie, 2011, of die interregeringsooreenkoms tussen die Republiek van Suid-Afrika en die Verenigde State van Amerika om internasionale belastingnakoming te verbeter en die FATCA te implementeer, geheg is, dra die betekenis aldus daaraan geheg, tensy uit die samehang anders blyk, en die volgende terme het die volgende betekenis:

"AEOI" beteken outomatiese uitruil van inligting ("automatic exchange of information");

"BRS" beteken besigheidsvereistespesifikasie ("business requirement specification");

"Openbare Kennisgewing 509" beteken Openbare Kennisgewing 509, gepubliseer in *Staatskoerant* No. 37778 van 27 Junie 2014;

"opgawe" beteken 'n **"BRS: FATCA AEOI"**-opgawe kragtens Openbare Kennisgewing 509 vereis;

"FATCA" beteken die Verenigde State van Amerika se "Foreign Account Tax Compliance Act";

"FATCA internasionale belastingooreenkoms" beteken die interregeringsooreenkoms tussen die Republiek van Suid-Afrika en die Verenigde State van Amerika om internasionale belastingnakoming te verbeter en om die FATCA te implementeer; en

"rapporterende finansiële instansie" beteken 'n "reporting financial institution" soos in die FATCA internasionale belastingooreenkoms omskryf.

2. Voorvalle onderhewig aan vastebedragboete

2.1 Versuim deur 'n rapporterende finansiële instansie om 'n opgawe in te dien teen die datum van hierdie kennisgewing of die datum vir die indien van die opgawe kragtens Openbare Kennisgewing 509, watter een ook al die laatste is;

- 2.2 Versuim om die gedeeltelike nakoming of nie-nakoming van 'n "due diligence"-vereiste kragtens die FATCA internasionale belastingooreenkoms reg te stel binne 60 dae vanaf die kennisgewing deur SAID van die gedeeltelike nakoming of nie-nakoming van die vereiste; of
- 2.3 Versuim om 'n mindere fout of 'n voorval van beduidende nienakoming bedoel in Artikel 5 van die FATCA internasionale belastingooreenkoms reg te stel binne 60 dae vanaf die kennisgewing deur SAID van die mindere fout of nienakoming.
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